

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated October 31, 2007 (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended each of the independent claims to indicate that an apparatus having a green color filter includes an image sensor having smaller pixels than the pixels of an apparatus having another color filter. Support for these changes may be found in the Specification, for example, at paragraphs [0035] and [0039]; therefore, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

Neither of the asserted references teaches or suggests each of the now-claimed limitations. For example, neither of the asserted references teaches an image capturing apparatus having a green color filter having an image sensor with smaller pixels than the pixels of an apparatus having another color filter in the same device. Ogura appears to teach that the picture cell arrays are each the same size with the same number of picture cells (e.g., Fig. 1); therefore, Ogura would not suggest that one cell array have pixels of a smaller size than other cell arrays of the same device. Also, although Yamanaka teaches that a device may include an increased number of green color components, Yamanaka teaches additional CCDs and not smaller pixels within a single CCD. As neither of the asserted references teach at least these limitations, any combination thereof must also fail to teach such limitations. Without correspondence to each of the claimed limitations, the § 103(a) rejections would be improper. Applicant accordingly requests that each of the rejections be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, inherent, obvious design choices, common knowledge at the time of Applicant's invention,

officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.021.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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